



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,771	10/26/1999	ERIK BROGAARD THOMSEN	CU-2007RJS	4414
29540	7590	08/04/2009		
DAY PITNEY LLP 7 TIMES SQUARE NEW YORK, NY 10036-7311			EXAMINER SILBERMANN, JOANNE	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 08/04/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/381,771
Filing Date: October 26, 1999
Appellant(s): THOMSEN, ERIK BROGAARD

Ronald E. Brown
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/12/2009 appealing from the Office action mailed 12/4/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Board decision of June 21, 2004.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

WO93/04559

Brown et al.

3-1993

B/W Fontworks, "Sanity" Font 6/18/01

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. WO 93/04559 (Brown) in view of Fontworks, Sanity Font.

Brown teaches an advertising or promotional image displayed on a surface or a filed at a sporting event (for example) wherein the image appears to be transformed. The image is reconfigured (page 4 line 25 through page 5 line 14) and then applied to surface 10. The image then appears to extend at an angle greater than the angle of actual line of sight of the observer. The transformation of the image may be done by a computer (page 5 line 19).

Brown does not teach secondary and tertiary figurative elements, however this is shown by Fontworks. Fontworks teaches additional elements such as shadow, relief and background. It would have been obvious to a person having ordinary skill in the art to utilize such additional elements in the image of Brown so that the image will appear more realistic.

Brown does not specifically teach using ink to create the image however ink is old and well known in the art of creating images, particularly advertising or promotional displays. It would have been obvious to one of ordinary skill to utilize ink to create the image used in Brown so as to provide an image that will not easily or inadvertently be removed.

Brown does not specifically teach the angles recited in claim 27, however it would have been obvious to a person having ordinary skill in the art to determine the

appropriate angles (or to use a computer to do so) so that the image appears to protrude at a right angle to the observer's line of sight, as desired by Brown.

(10) Response to Argument

Applicant argues that the image in Brown is only two dimensional and a person having ordinary skill in the art would not know how to add a third dimension (secondary figurative element) given the teaching of the Fontworks Sanity Font.

As discussed in the rejection, Fontworks shows a depiction of characters in three dimensions by using shadow, relief and background. This reference shows adding secondary elements to a display to create a three dimensional appearance. The Sanity Font uses shadowing to create the appearance of three dimensional letters from a two dimensional sheet. This is well known in the art and is obvious to one of ordinary skill, particularly in the art of advertising and display. The Brown reference teaches reconfiguring a display so that it appears perpendicular when viewed at a particular line of sight and the Fontworks reference teaches making displays appear three dimensional. The combination of these two references indicate that it would have been obvious to one of ordinary skill to make the display of Brown appear to be a three dimensional display since three dimensional displays (particularly for advertisement) are well known.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Joanne Silbermann/

Joanne Silbermann

Conferees:

Lesley Morris /LDM/

Darnell Jayne, APS /dj/